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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,440	01/16/2004	Ronald T. Crocker	CE10440R	7843

22917 7590 12/14/2009
MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG, IL 60196

EXAMINER

SAFAIPOUR, BOBBAK

ART UNIT	PAPER NUMBER
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2618

NOTIFICATION DATE	DELIVERY MODE
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12/14/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/759,440	Applicant(s) CROCKER ET AL.	
	Examiner BOBBAK SAFAIPOUR	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 18-48 and 50-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/19/05, 2/21/06, 3/16/09, 4/22/09, 8/19/09, 11/9/09.</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to the Restriction Requirement dated October 14, 2009, Applicants have elected Group I, which includes claims 1-17 and 49.

Information Disclosure Statement

The information disclosure statements submitted on 09/19/2005, 02/21/2006, 03/16/2009, 04/22/2009, 08/19/2009, and 11/9/09 have been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by **Rosen et al. (US 6,738,617 B2; hereinafter Rosen)**.

Consider **claim 1**, Rosen discloses a method for facilitating a push-to-talk (PTT) session initiation using an Internet Protocol (IP)-based protocol, the method comprising:

detecting, by an originator unit, a session initiation indication; (figure 3; col. 9, lines 14-18; MS may receive a request from a user who wishes to initiate a group call)

sending, by the originator unit in a non-IP format, a session initiation request for the PTT session, to a base station (BS) via a CDMA (col. 3, line 31) access channel (col. 5, lines 1-5; when a first net member wishes to transmit information to other members of the net, the first net member may request the transmission privilege by pressing a PTT key on his CD to one or more base stations);

sending, by the originator unit to the BS, a channel assignment request for the PTT session via a CDMA (col. 3, line 31) access channel (col. 2, lines 34-44; the floor control request being sent by the source communication device on a reverse common channel); and

receiving, by the originator unit, messaging in response to the session initiation request.
(figure 3; PTT floor grant)

Consider **claim 49**, Rosen discloses a mobile station (MS) for facilitating a push-to-talk (PTT) session initiation using an Internet Protocol (IP)-based protocol, the MS comprising:

a transceiver (col. 2, line 36); and

a processor, communicatively coupled to the transceiver (col. 2, line 37),

adapted to detect a session initiation indication (figure 3; col. 9, lines 14-18; MS may receive a request from a user who wishes to initiate a group call),

adapted to send, to a base station (BS) via the transceiver and a CDMA access channel (col. 3, line 31), a session initiation request in a non-IP format for the PTT session (col. 5, lines 1-5; when a first net member wishes to transmit information to other members of the net, the first net member may request the transmission privilege by pressing a PTT key on his CD to one or more base stations),

adapted to send, to the BS via the transceiver and a CDMA access channel, a channel assignment request for the PTT session (col. 2, lines 34-44; the floor control request being sent by the source communication device on a reverse common channel), and

adapted to receive, via the transceiver, messaging in response to the session initiation request in a non-IP format (figure 3; PTT floor grant).

Consider **claim 2**, and **as applied to claim 1 above**, Rosen discloses the claimed invention wherein the IP-based protocol comprises Session Initiation Protocol (SIP). (col. 6, line 32)

Consider **claim 3**, and **as applied to claim 1 above**, Rosen discloses the claimed invention wherein the session initiation request is sent via a short data burst (SDB). (col. 9, line 23)

Consider **claim 4**, and **as applied to claim 1 above**, Rosen discloses the claimed invention wherein the session initiation request comprises information from the group consisting of a target identifier, an application identifier, a PTT server address, and originator vocoder information. (figures 2-6)

Consider **claim 5**, and **as applied to claim 4 above**, Rosen discloses the claimed invention wherein the originator vocoder information comprises information from the group consisting of an indication of supported vocoders and an indication of preferred vocoders. (col.

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1, lines 37-44)

Consider **claim 6**, and **as applied to claim 4 above**, Rosen discloses the claimed invention wherein the application identifier identifies an application from the group consisting of dispatch, presence, and voice over internet protocol (VoIP). (col. 1, lines 37-44)

Consider **claim 7**, and **as applied to claim 1 above**, Rosen discloses the claimed invention wherein the session initiation request comprises a request from the group consisting of a PTT call setup request, a presence information update request, and a VoIP call setup request. (figures 3-6)

Consider **claim 8**, and **as applied to claim 7 above**, Rosen discloses the claimed invention wherein the PTT call setup request comprises a SIP INVITE message. (col. 6, line 32)

Consider **claim 9**, and **as applied to claim 7 above**, Rosen discloses the claimed invention wherein the presence information update request comprises a message from the group consisting of a SIP INVITE message, a SIP INFO message, and a SIP NOTIFY message. (col. 6, line 32)

Consider **claim 10**, and **as applied to claim 1 above**, Rosen discloses the claimed invention wherein the session initiation request is included within messaging for the channel

assignment request. (col. 9, lines 14-38)

Consider **claim 11**, and **as applied to claim 10 above**, Rosen discloses the claimed invention wherein the messaging for the channel assignment request comprises an IS-2000 Reconnect message. (col. 3, line 31)

Consider **claim 12**, and **as applied to claim 1 above**, Rosen discloses the claimed invention wherein the channel assignment request comprises an IS-2000 Origination message. (col. 3, line 31)

Consider **claim 13**, and **as applied to claim 1 above**, Rosen discloses the claimed invention wherein the messaging in response to the session initiation request is received via a traffic channel assigned in response to the channel assignment request. (col. 9, lines 14-38)

Consider **claim 14**, and **as applied to claim 1 above**, Rosen discloses the claimed invention wherein the messaging in response to the session initiation request is received via a CDMA common channel from the group consisting of a CDMA Forward Paging Channel (F-PCH) and a CDMA Forward Common Control Channel (F-CCCH). (col. 13, lines 26-27)

Consider **claim 15**, and **as applied to claim 1 above**, Rosen discloses the claimed invention wherein indicating, upon receiving the messaging in response to the session initiation

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request, that user voice activity for the PTT call may begin. (figures 3-6)

Consider **claim 16**, and **as applied to claim 1 above**, Rosen discloses the claimed invention wherein indicating, upon receiving the messaging in response to the session initiation request, that a PTT target unit is not available. (figures 3-6)

Consider **claim 17**, and **as applied to claim 1 above**, Rosen discloses the claimed invention wherein sending and receiving, by the originator unit in an active packet data session, PTT voice information via a traffic channel assigned in response to the channel assignment request. (col. 9, lines 14-38)

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to:**

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Hand-delivered responses should be brought to

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401 Dulany Street
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Any inquiry concerning this communication or earlier communications from the

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Examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092.

The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Bobbak Safaipour
B.S./bs

November 19, 2009

/Matthew D. Anderson/

Supervisory Patent Examiner, Art Unit 2618